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8 Attorneys for Plaintiffs FERREOL CARDENAS, SR., Individually,
9 and as the Personal Representative for FERREOL CARDENAS, JR.,
10 Deceased and ROSA CARDENAS

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

1 FERREOL CARDENAS, SR., } CASE NO.: 2-15-cv-01469 PJW
2 Individually, and as the Personal } [Assigned For All Purposes to the Hon.
3 Representative for FERREOL } Patrick J. Walsh, Magistrate Judge]
4 CARDENAS, JR., Deceased and ROSA }
5 CARDENAS, }
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7 Plaintiffs, } APPENDIX OF EVIDENCE IN
8 vs. } OPPOSITION TO DEFENDANTS'
9 CITY OF MANHATTAN BEACH, } MOTION FOR SUMMARY
10 MANHATTAN BEACH POLICE } JUDGMENT; DECLARATION OF
11 OFFICER MICHAEL LYNCH (Serial } PETER M. WILLIAMSON
12 No. 313), MANHATTAN BEACH }
13 POLICE OFFICER B. MUZATKO }
14 (Serial No. 342) and Does 1 through 10, }
15 inclusive, }
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17 Defendants. }
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DATE: January 5, 2017
TIME: 1:30 P.M.
CTRM: 23
JUDGE: Hon. Patrick Walsh
TRIAL: March 21, 2017

23 TO: ALL PARTIES HEREIN AND TO THEIR ATTORNEYS OF RECORD:

24 PLEASE TAKE NOTICE that pursuant to applicable federal laws including, but not
25 limited to, Federal Rules of Civil Procedure 7, 11, 16, and 56, as well as U.S. Dist. Ct., C.D.
26 Cal. L. R. 56-1 through 56-4, and all applicable Orders of the Court, Plaintiffs, FERREOL
27 CARDENAS, Sr., Individually, and as the Personal Representative for FERREOL
28 CARDENAS, Jr., Deceased and ROSA CARDENAS, hereby jointly submit this Appendix

1 of Evidence in support of Plaintiffs' Opposition to Defendants' Motion for Summary
2 Judgment, or in the alternative, Summary Adjudication (filed concurrently herewith).

3 EVIDENCE IN OPPOSITION TO

4 DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

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6 1. Excerpts of hospital records of Ferreol Cardenas, Jr., from Little Company of Mary
7 Hospital, dated April 11, 2016;

8 2. Photograph of the face of Ferreol Cardenas, Jr., taken at Little Company of Mary
9 Hospital by Guadalupe Cardenas on April 12, 2016;

10 3. Excerpts of deposition transcript of witness Richard Towne, taken on October 26,
11 2016;

12 4. Excerpts of deposition transcript of witness Kevin James Heronema, taken on October
13 26, 2016;

14 5. Excerpts of deposition transcript of witness J. Daniel Augustine, M.D., taken on April
15 27, 2016;

16 6. Excerpts of deposition transcript of witness Cho Lwin, M.D., taken on October 19,
17 2016;

18 7. Excerpts of deposition transcript of witness Robert Chavez, M.D., taken on October
19 27, 2016;

20 8. Excerpts of deposition transcript of witness Marvin Pietruszka, M.D., taken on
21 November 18, 2016;

22 9. Expert Report of Marvin Pietruszka, M.D., dated August 26, 2016;

23 10. Excerpts of deposition transcript of Plaintiff Rosa Cardenas, dated August 30, 2016;

24 11. Excerpts of deposition transcript of Plaintiff Ferreol Cardenas, Sr., dated August 29,
25 2016;

26 12. Videotaped Interviews (two short interviews collectively referred to as Exhibit 12) of
27 Ferreol Cardenas, Jr., taken by Manhattan Beach Police Officer Anthony Presgraves,
28 dated April 10, 2016;

- 1 13. Excerpts of deposition transcript of Defendant Michael Lynch, taken on August 11,
- 2 2016;
- 3 14. Excerpts of deposition transcript of witness Anthony Presgraves, taken on August 12,
- 4 2016; and
- 5 15. Excerpts of deposition transcript of witness Guadalupe Cardenas, taken on September
- 6 2, 2016.

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8 DATED: December 27, 2016

Respectfully submitted

9 WILLIAMSON LAW FIRM

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11 BY: /s/ PETER M. WILLIAMSON

12 Attorneys for Plaintiffs
13 FERREOL CARDENAS, SR, Individually,
14 and as the Personal Representative for
15 FERREOL CARDENAS, JR.,
16 Deceased, and ROSA CARDENAS

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DECLARATION OF PETER M. WILLIAMSON

I, PETER M. WILLIAMSON, declare:

3 1. That I am an Attorney at Law, duly licensed to practice in the State of
4 California, and am a member of the Bar of this Court. I am the attorney of record for
5 Plaintiffs, FERREOL CARDENAS, Sr., Individually, and as the Personal Representative for
6 FERREOL CARDENAS, Jr., Deceased, and ROSA CARDENAS in the above-entitled
7 action. The facts set forth herein are true of my own personal knowledge, and if called upon
8 to testify thereto, I could and would competently do so under oath. This Declaration is
9 submitted in support of Plaintiff's opposition to the Motion for Summary Judgment, or in
10 the alternative, Summary Adjudication, filed by Defendants herein.

11 2. Attached hereto as Exhibit 1 to this declaration and appendix of evidence are
12 true and correct copies of excerpts from the medical records of Ferreol Cardenas, Jr., dated
13 April 11, 2016.

14 3. Attached hereto as Exhibit 2 to this declaration and appendix of evidence is a
15 true and correct copy of a photograph of the face of Ferreol Cardenas, Jr., taken at Little
16 Company of Mary Hospital by Guadalupe Cardenas, on April 12, 2016

17 4. Attached hereto as Exhibit 3 to this declaration and appendix of evidence are
18 true and correct copies of excerpts from the deposition of witness Richard Towne, which
19 deposition was taken on October 26, 2016.

20 5. Attached hereto as Exhibit 4 to this declaration and appendix of evidence are
21 true and correct copies of excerpts from the deposition transcript of witness Kevin James
22 Heronema, taken on October 26, 2016;

23 6. Attached hereto as Exhibit 5 to this declaration and appendix of evidence are
24 true and correct copies of excerpts from the deposition transcript of witness J. Daniel
25 Augustine, M.D., taken on April 27, 2016;

26 7. Attached hereto as Exhibit 6 to this declaration and appendix of evidence are
27 true and correct copies of excerpts from the deposition transcript of witness Cho Lwin, M.D.,
28 taken on October 19, 2016;

1 8. Attached hereto as Exhibit 7 to this declaration and appendix of evidence are
2 true and correct copies of excerpts from the deposition transcript of witness Robert Chavez,
3 M.D., taken on October 27, 2016;

4 9. Attached hereto as Exhibit 8 to this declaration and appendix of evidence are
5 true and correct copies of excerpts from the deposition transcript of witness Marvin
6 Pietruszka, M.D., taken on November 18, 2016;

7 10. Attached hereto as Exhibit 9 to this declaration and appendix of evidence is the
8 Rule 26 Expert Report of Marvin Pietruszka, M.D., dated August 26, 2016;

9 11. Attached hereto as Exhibit 10 to this declaration and appendix of evidence are
10 true and correct copies of excerpts from the deposition transcript of Plaintiff Rosa Cardenas,
11 dated August 30, 2016;

12 12. Attached hereto as Exhibit 11 to this declaration and appendix of evidence are
13 true and correct copies of excerpts from the deposition transcript of Plaintiff Ferreol
14 Cardenas, Sr., dated August 29, 2016; and

15 13. Attached hereto as Exhibit 12 to this declaration and appendix of evidence is
16 a true and correct copy of a CD containing videotaped interviews (two short interviews
17 collectively referred to as Exhibit 12) of Ferreol Cardenas, Jr., taken by Manhattan Beach
18 Police Officer Anthony Presgraves, dated April 10, 2016.

19 14. Attached hereto as Exhibit 13 to this declaration and appendix of evidence are
20 true and correct copies of excerpts from the deposition transcript of Defendant Michael
21 Lynch, taken on August 11, 2016.

22 15. Attached hereto as Exhibit 14 to this declaration and appendix of evidence are
23 true and correct copies of excerpts from the deposition transcript of witness Anthony
24 Presgraves, taken on August 12, 2016.

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1 16. Attached hereto as Exhibit 15 to this declaration and appendix of evidence are
2 true and correct copies of excerpts from the deposition transcript of witness Guadalupe
3 Cardenas, taken on September 2, 2016.

4 I declare under penalty of perjury pursuant to the laws of the United States of America
5 and the State of California that the foregoing is true and correct.

6 Executed this 27th day of December, 2016, at Woodland Hills, California.

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8 /s/ Peter M. Williamson

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10 PETER M. WILLIAMSON
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CERTIFICATE OF SERVICE

The above-signed hereby certify that a copy of the foregoing was served this 27th day of December, 2016, through the Court's ECF system to all counsel of record.